



***Environmental  
Planning  
Commission***

***Agenda Number: 6  
Project Number: 1005043  
Case #'s: 06EPC 01090/01223  
September 21, 2006***

***Staff Report***

<b><i>Agent</i></b>	A. Ana Anaya
<b><i>Applicant</i></b>	A. Ana Anaya
<b><i>Requests</i></b>	<b>Sector Development Plan Zone Map Amendment</b>  <b>Site Development Plan for Building Permit</b>
<b><i>Legal Description</i></b>	Lot 6, Block 68, Terrace Addition
<b><i>Location</i></b>	1800 Lead SE, on the south east corner of Lead and University
<b><i>Size</i></b>	7000 square feet / 0.16 acre
<b><i>Existing Zoning</i></b>	SU2/DR
<b><i>Proposed Zoning</i></b>	SU2 for SU1 for Bed and Breakfast

***Staff Recommendation***

***APPROVAL of 06 EPC 01090 (ZMA), based  
on the findings on page 11, and subject to the  
condition of approval on page 13.***

***APPROVAL of 06 EPC 01223 (SBP), based on  
the findings on page 13, and subject to the  
conditions of approval on page 14.***

***Staff Planner***

***Petra A Morris, Associate Planner***

***Summary of Analysis***

This two-part proposal is for a sector development plan zone map amendment and a site plan for building permit for Lot 6, Block 68 of the Terrace Addition, approx. 0.16 acres (the "subject site").

The applicant proposes to change the subject site's zoning from SU-2 for DR (Diverse Residential) to SU-2 for SU-1 for Bed and Breakfast. Staff has received comments from the neighborhood association and no comments from adjacent property owners. The applicant has justified the zone change request and demonstrated compliance with R270-1980 (Zone change policies) and R138-1992 (Bed and Breakfast policies).

Staff recommends approval of the sector development plan amendment and approval of the site development of plan for building permit.

Location Map (3" x 3")

City Departments and other interested agencies reviewed this application from 8/07/2006 to 8/18/2006.  
Agency comments were used in the preparation of this report and begin on page 17.

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**AREA CHARACTERISTICS AND ZONING HISTORY**

*Surrounding zoning, plan designations, and land uses:*

	<i>Zoning</i>	<i>Comprehensive Plan Area; Applicable Rank II &amp; III Plans</i>	<i>Land Use</i>
<i>Site</i>	SU2 DR	Central Urban, University Neighborhoods Sector Development Plan	Single Family Residential
<i>North</i>	SU2 DR	Same	Multi Family 5-9 units
<i>South</i>	SU2 DR	Same	Multi Family 10- 19 units
<i>East</i>	SU2 DR	Same	Single Family
<i>West</i>	SU2 DR	Same	University Blvd., Single Family

***Background, History and Context***

This request is a two-part proposal for a sector development plan zone map amendment and a site development plan for building permit for Lot 6, Block 68 of the Terrace Addition, for approximately 0.16 acres (the “subject site”). The subject site is located at 1800 Lead Avenue, on the southeast corner of University Boulevard and Lead Avenue SE. The applicant proposes to amend the sector development plan- University Neighborhoods Sector Development Plan (UNSDP)- from SU2/DR to SU2 for SU-1 for Bed and Breakfast. The sector plan establishes the zoning. The SU2/ SU1 zone exists within the sector plan and is available for use. The site plan for building permit accompanies this request, as SU1 sites are site development plan controlled. The property contains an existing single family home and the applicant proposes to use the subject site as it stands with some improvements. The Terrace Addition was platted in 1886, and the home was probably built during the 1920s or 1930s (p. 8, UNSDP). The property is an example of a Southwest Vernacular bungalow. The University Neighborhood Sector Development Plan identifies the subject site as being of Neighborhood Historic Interest (p. 49, Map 6).

The site to the north of the subject site is zoned SU2/DR and consists of an apartment building. South of the subject site is also zoned SU2/DR and consists of apartments. East of the subject site is zoned SU2/DR and consists of a single family house with apartments at the rear; it appears that there are multiple tenants at this site. West of the subject site is also zoned SU2/DR and consists of a single-family residence.

The University Neighborhood Sector Development Plan established the SU2/DR zoning in 1986.

### ***Long Range Roadway System***

The Long Range Roadway System designates University Boulevard as a Minor Arterial, with a right-of-way of 86'.

The Long Range Roadway System designates Lead Avenue as a Principal Arterial, with a right-of-way of 124', it is also a one-way road with traffic moving west.

### ***Public Facilities/Community Services***

The Southeast Area Command serves the subject site. The property is very close to the University of New Mexico campus (3 blocks), whose cultural assets include the UNM Art Museum, Popejoy Theatre, the Maxwell Museum of Anthropology and Zimmerman Library. Roosevelt Park is also in the area. The Rapid Ride bus route runs along Central Avenue, the closest stops are at Central and Yale/ Cornell. The #97 Zuni bus route runs west on Lead Avenue and the #1618 Broadway/University/Gibson bus route runs along University. University Boulevard is identified as an enhanced transit corridor.

## ***ANALYSIS OF APPLICABLE ORDINANCES, PLANS AND POLICIES***

### ***Albuquerque Comprehensive Zoning Code***

*The University Neighborhoods SDP established the zoning for the subject site. The subject site is currently zoned SU2/DR (Diverse Residential). The SU-2 Special Neighborhood Zone “allows a mixture of uses controlled by a sector development plan” (see Zoning Code §14-16-2-23). Per the University Neighborhood Sector Development Plan, the intent of the DR zone is that the “land use provides suitable sites for houses, townhouses, low density apartments, and uses incidental thereto (somewhat like the R2 zone)” (p. 70). Under the current zoning the applicant could redevelop the subject site as apartments. The applicant proposes SU2/ SU1 for Bed and Breakfast Establishment (see Zoning Code §14-16-2-22). The SU-1 zone provides suitable sites for uses that are special, and for which the appropriateness of the use to a specific location depends upon the character of the site design. In this case, the SU-1 designation will restrict the proposed zoning to allow for a Bed and Breakfast in a residential zone. The SU1 designation allows review of a site development plan by the EPC. Under the SU1 for Bed and Breakfast zoning a property can operate as a Bed and Breakfast or as a single-family residence. Multifamily residences are not a permitted use under the SU1 for Bed and Breakfast zone.*

### ***Albuquerque / Bernalillo County Comprehensive Plan***

The subject site is located in the area designated Central Urban by the *Comprehensive Plan* with a Goal to “to promote the Central Urban Area as a focus for arts, cultural, and public facilities/activities while recognizing and enhancing the character of its residential neighborhoods and its importance as the historic center of the city.” The Central Urban Area is within the Established Urban Area and therefore the policies and the goals of this area also

apply. The goal of the Established Urban Area is “to create a quality urban environment, which perpetuates the tradition of identifiable, individual but integrated communities within the metropolitan area and which offers variety and maximum choice in housing, transportation, work areas, and life styles, while creating a visually pleasing built environment ” Policies cited by the applicant are:

Policy II.B.5a

The Developing Urban and Established Urban Areas as shown by the Plan map shall allow a full range of urban land uses, resulting in an overall gross density up to 5 dwelling units per acre.

Policy II.B.5d

The location, intensity, and design of new development shall respect existing neighborhood values, natural environmental conditions and carrying capacities, scenic resources, and resources of other social, cultural, recreational concern.

Policy II.B.5o

Redevelopment and rehabilitation of older neighborhoods in the Established Urban Area shall be continued and strengthened.

Policy II.B.5p

Cost-effective redevelopment techniques shall be developed and utilized.

Policy II.C. 5 Goal The Goal is to protect, reuse, or enhance significant historic districts and buildings.

Other applicable policies are:

Policy II.B.6b

Upgrading efforts in neighborhoods within the Central Urban Area should be continued and expanded and linkages created between residential areas and cultural/arts/recreation facilities.

Policy II.D.6b

Development of local business enterprises as well as the recruitment of outside firms shall be emphasized.

***Policy II.B.5a encourages a full range of land uses. The request supports policy II.B.5a because it will increase the range of land uses in the area without losing the current residential use.***

***Policy II.B.5d encourages new development to respect existing neighborhood values. The request would not require any new construction but it would mean a new use for the existing building- that of Bed and Breakfast. The subject site would also remain a single-family residence. If a property is a Bed and Breakfast it is in the best (financial) interest of the property owner to maintain the property. Therefore this will encourage the upkeep and maintenance of the property. The University Neighborhoods have a problem with the number of properties that are not well maintained due to a high number of rental properties in the area. Therefore the request supports policy II.B.5d.***

*Policy II.B.5o is supported by the request because it would be in the interest of property owner to maintain the property. This would be a step toward the rehabilitation of this older neighborhood. Encouraging small-scale business ventures that promote the rehabilitation of existing housing stock and do not adversely impact the area is one way to strengthen a neighborhood.*

*Policy II.B.5p is supported by the request because it is cost effective for a property owner to be able increase their income while improving the physical appearance of their property. The University Neighborhoods have a large number of properties that are not well maintained due to the large number of rental properties.*

*Policy II.C.5 Goal is supported by the request because the Bed and Breakfast will provide money for and encourage the maintenance of the subject site. The subject site is identified by the University Neighborhood Sector Development Plan as being of Neighborhood Historic Interest (p. 49, Map 6).*

*Policy II.B.6b encourages upgrading the Central Urban area and creating links between residential areas and cultural/arts/recreation facilities. UNM and CNMCC are the city's greatest educational and arts facilities. The location of the request close to both of these facilities means that a possible market for a Bed and Breakfast establishment would be visiting academics/ professors and parents or families of students. This would forge a far more personal link between the University and Community College than an impersonal motel or hotel. Therefore this request supports policy II.B.6b.*

*Policy II.D.6b encourages local business enterprises. A bed and breakfast is a local business enterprise therefore this supports policy II.D.6b.*

#### **Water Conservation/Green Principles**

*Low water use plants will be used in the landscaping. Staff recommends that the applicant install a rain barrel that can be used to water the landscaping, as long as it does not put undue financial burden on the applicant.*

#### **University Heights Sector Development Plan (Rank III)**

The University Neighborhoods Sector Development Plan was adopted as a Rank III Plan in 1986 by Resolution 66 (Enactment No. 102-1986) and amended in 1991 by Resolution 303 (Enactment No. 95-1991). The Plan established zoning for the area east of I-25, west of Girard Boulevard, north of Hazeldine Avenue to University Boulevard and north of St. Cyr Avenue to Girard Boulevard, and south of a line just north of Grand Avenue to University Boulevard and south of Central Avenue to Girard Boulevard (Map 2).

#### **Plan Goals:**

- Improve the Quality of life in the area
- Conserve and renew the unique qualities of this neighborhood

- Encourage infill residential construction in appropriate places
- Encourage pedestrian orientation
- Improve conditions in business areas
- Foster positive social and physical interrelations between businesses, institutions and residents.

The Plan established design regulations for two specific Design Enhancement Areas (Central Avenue and Silver Avenue Design Enhancement Areas) and for areas zoned UC, R3C, RS and SF (pg. 20).

The applicant cites Policy 2 of the Sycamore Metropolitan Redevelopment Plan (p16) “The rehabilitation of sound residential structures shall be encouraged.”

Other applicable policies are (p.1):

Goal 1 Improve the quality of life in the area

Goal 2 Conserve and renew the unique qualities of this neighborhood.

Goal 6 Foster positive social and physical interrelations between businesses, institutions and residents.

*Policy 2 does not specifically relate to the request as the subject site is not within the boundaries of the Sycamore Redevelopment Plan, however the request does encourage the rehabilitation of a sound residential structure and ensures that the building is preserved and remains a predominantly single family use. Under the current zoning the applicant could redevelop the subject site as a multi family residence. Policy 2 is not applicable to the request.*

*Goal 1 is to improve the quality of life in the area. The request supports Goal 1 because a well maintained residential property is an improvement on the visual quality of life for the area. The site plan control that accompanies a SU1 zone means that Zoning Enforcement have more areas of control than an average residential property.*

*Goal 2 is to conserve unique qualities in the neighborhood. The sector plan designates the subject site as of neighborhood historical interest. The request supports Goal 2 because it will encourage the preservation and maintenance of this property.*

*Goal 6 is to foster positive social and physical relationships between residents, businesses and institutions. UNM and CNMCC are Albuquerque’s most well known educational institutions and the request is located within walking distance of both campuses. Arguably the main market for this Bed and Breakfast would be parents of students and visiting professors or academics doing research. The experience of staying in a Bed and Breakfast would be far more personal, and hopefully positive, than staying in a hotel or motel. It would also encourage a more pedestrian experience as both campuses are within walking distance of the subject site. Therefore the request supports Goal 6.*

**Resolution 138 1992 (Appendix F- Policies for Bed and Breakfast Applications)**

This resolution sets forth policies for bed and breakfast establishments located in residential areas. It states that the zoning category of SU1, Special Use Zone is appropriate for bed and breakfast establishments located in residential areas and that the adverse impact of bed and breakfast establishments can best be minimized by conditions imposed with SU1 zoning. In addition, this resolution indicates that each request for a bed and breakfast establishment in a residential zone should be considered on a case-by-case basis because adverse effects may not be predictable in each location (see attachment). The policies address location, parking, receptions/ private parties, motor home/ camper trailer, the exterior appearance, staff, size, distance between other bed and breakfast establishments, lodging time and inappropriate locations. Resolution 138-1992 is attached to the report.

- 1. The first policy discusses the location of a Bed and Breakfast establishment. The subject site is not in a historic neighborhood and does not have any official historic designation. However, the sector plan does designate it of neighborhood historic interest. The subject site is also very close to a significant cultural area of Albuquerque- the UNM campus and CNMCC campus. The proximity of the subject site to Central Avenue means that public transportation can easily be used to access Downtown and Old Town. The subject site is a good example of Southwest Vernacular and is little altered since it was built in the 1920s/1930s.*
- 2. There is one bedroom available for guests. According to the policy there should be two parking spaces for the permanent resident(s) and one parking space per guest room. That means that this request would require three parking spaces. Three parking spaces are provided on the site plan, one on the front driveway and two on the rear driveway.*
- 3. The applicant does not propose to hold private parties or receptions for a fee.*
- 4. There is no space on the property for guests to stay in a motor home or camper trailer.*
- 5. The applicant states that she plans to landscape using xeric bushes, shrubs and other low water use plants. The architectural style of the property is Southwest vernacular/ pueblo style and was constructed between 1920 and the 1930s. The architectural style is typical of the area and is a good example of the residential housing that was first built in the area, before the large number of multi family properties were built.*
- 6. The applicant is the permanent, fulltime staff. The property is also her home.*
- 7. There is only one guest room and the establishment is located on Lead Avenue, a principal arterial, and University Boulevard, a minor arterial and an enhanced transit corridor.*
- 8. The subject site is 480 linear feet from closest point to closest point of the next Bed and Breakfast zoned property and the policy asks for 500 feet between properties. The other Bed and Breakfast is located at 1815 Silver SE (this property is currently not in operation as a Bed and Breakfast, however it still has the zoning) and is two blocks away. This area of*

*Albuquerque has smaller blocks than other areas and is denser as development in the past was often denser; therefore the request meets the intent of the policy. This is not a requirement because it is a policy. However, if the policy cannot be complied with the applicant must justify why not and it is up to discretion of the EPC to decide if the location is appropriate. The applicant has justified her request for a closer location by noting the area's smaller block sizes and through the goals and policies of the Comprehensive Plan and University Neighborhoods Sector Plan that would be furthered by her request.*

*9. The applicant does not intend to provide lodging for longer than two weeks at a time for any one guest.*

*10. The surrounding zoning is SU2 DR, the most intense use in this zone is an apartment complex, this is more intense than R1.*

#### **Resolution 270-1980 (Policies for Zone Map Change Applications)**

This Resolution outlines policies and requirements for deciding zone map change applications pursuant to the Comprehensive City Zoning Code. There are several tests that must be met and the applicant must provide sound justification for the change. The burden is on the applicant to show why a change should be made, not on the City to show why the change should not be made.

The applicant must demonstrate that the existing zoning is inappropriate because of one of three findings: there was an error when the existing zone map pattern was created; or changed neighborhood or community conditions justify the change; or a different use category is more advantageous to the community, as articulated in the Comprehensive Plan or other City master plan.

*The applicant's letter of justification covers the appropriate areas of concern.*

*A. The proposed zone change request for a Bed and Breakfast establishment is consistent with the health, safety, morals and general welfare of the city because the request will provide a service that the community can use.*

*B. The stability of the land use is protected under the requested SU2 for SU1 for Bed and Breakfast because the requested zone is more restrictive than the current zone. This is in fact a "down zone" as the requested zoning would allow only a Bed and Breakfast establishment or a single-family residence. The current zoning allows for houses, townhouses, low-density apartments, and incidental uses.*

*C. The proposed request supports Comprehensive Plan Goal II.C.5 and Policies II.B.5a, 5d, 5o, 5p and II.B.6d. The request also supports Goal 1, 2, and 6 of the University Neighborhood Sector Plan. The applicant has addressed Resolution 138-1992 and Resolution 270-1980 in order to justify her request.*

*D. The applicant states that the existing zoning is no longer appropriate because of changed neighborhood conditions (D.2) and that a different use would be more advantageous to the*



*community (D.3). The applicant states that changed neighborhood conditions are based on changed population, the current population is generally younger, poorer and more likely to use mass transit. The applicant also states that the request would be more advantageous to the community because the Bed and Breakfast would encourage redevelopment of the area and the maintenance and preservation of the existing building at a low cost. It would also promote use of public transit, like the Rapid Ride, which is a short walk away and connects the University area to the Downtown, Old Town and Uptown areas. Planning Department Staff concurs that the proposed zoning would be more advantageous to the community as articulated by the Comprehensive Plan and the UNSDP.*

*E. The permissive uses in this zone are a bed and breakfast establishment and single- family residence and would not be harmful to adjacent properties and the neighborhood. This is more restrictive and less intense than the existing SU2/DR zoning.*

*F. No major or unprogrammed capital expenditures will be required of the City.*

*G. The cost of land or other economic considerations are not a factor in this request.*

*H. The proximity to University Boulevard and Lead Avenue are not the justification for this requested zone change.*

*I. The request would create a "spot zone" as all SU1 zones are spot zones. However, if approved by the Environmental Planning Commission, then it is a justified "spot zone" as it will support Comprehensive Plan Goals and Policies and any applicable goals and policies in the University Neighborhoods SDP. The request does support goals and policies in both the Comprehensive Plan and the University Neighborhoods SDP. The site development plan that accompanies the request ensures that development on the site is consistent with the neighborhood.*

*J. This would not create a strip zone.*

## **ANALYSIS OF SITE DEVELOPMENT PLAN FOR SUBDIVISION/BUILDING PERMIT**

### ***Site Plan Layout / Configuration***

The initial site development plan was deficient and staff has worked with the applicant to produce an appropriate submittal. There are still a few issues with the site plan that are addressed in the conditions of approval. This is a site development plan for building permit for an existing dwelling. It is a single story dwelling (980 square feet) that was probably built during the 1920s or 1930s (p. 8, UNSDP). The property is an example of a Southwest Vernacular bungalow. The subject site is identified by the University Neighborhood Sector Development Plan as being of Neighborhood Historic Interest (p. 49, Map 6). The building faces Lead Ave. to the North. It has two bedrooms and one bathroom. One room will be for guests and the other for the permanent resident. The guest(s) and permanent resident will share the bathroom.

### ***Walls/Fences***

No new walls or fences are proposed. The back garden is fenced completely with wood fencing and a block wall along the alley.

### ***Vehicular Access, Circulation and Parking***

The applicant has two curb cuts, one from Lead and one from University, as well as access from the alley at the rear. Three parking spaces are required. One space will be provided at the front on a gravel driveway on the property, accessed from the curb cut off Lead. The two other spaces are provided along the side of the property to the rear. Access is from the alley onto the gravel driveway and out to University from the curb cut along the street. There is also a garage at the rear of the property (unattached to the house) and with access from the same University curb cut.

### ***Pedestrian and Bicycle Access and Circulation, Transit Access***

This is a very pedestrian- and bicycle-dominant area of the city. For example, UNM campus is a 10-minute walk from the subject site. University Boulevard is an enhanced transit corridor. Central Avenue is a short walk away and the Rapid Ride bus runs very regularly along Central and links up Old Town, Downtown, the University area, Nob Hill and Uptown.

### ***Lighting and Security***

This is a private residence and no new lighting is provided. All doors into the house are lit.

### ***Landscaping***

Currently there is no landscaping, except for a few plants in pots at the front. The applicant intends to landscape with low water use plants. The front and rear areas will all be landscaped with a minimum of 75% live ground cover. The requested zoning requires a site development plan that can be used to control development on the site. Under the current zoning there is no landscaping requirement, but the proposed zoning does require that the site be brought up to code for a commercial property. Therefore, the site must be landscaped and this can be ensured by Zoning Enforcement.

### ***Grading, Drainage, Utility Plans***

This is an existing building therefore this is not necessary.

### ***Signage***

No signage is proposed, but the applicant must comply with the sign policy in Resolution 138-1992. The sign must be on-premise, wall-mounted, non-illuminated sign and no more than one square foot in area.

## ***CONCERNS OF REVIEWING AGENCIES / PRE-HEARING DISCUSSION***

City departments and other interested agencies reviewed this application from 8/7/2006 to 8/18/2006. Agency comments used in the preparation of this report begin on page 16. No outstanding comments were given.

### **NEIGHBORHOOD CONCERNS**

The subject site is in the Silver Hills Neighborhood. The applicant originally notified the neighborhood in May 2006, but submitted the application in August 2006. The Office of Neighborhood Coordination letter is only valid for 30 days, so the applicant notified the neighborhood again in August. A facilitated meeting was recommend and the meeting was held August 24, 2006. The facilitated report is attached. The Neighborhood Association did not express either support or opposition, the facilitated meeting ended with a few clarification questions for the staff planner, which were addressed the following week. The Neighborhood Association has expressed concern that the existing curb cut on Lead Avenue currently does not lead to a garage or driveway. This was clarified with the site development plan and staff has added conditions of approval to address these concerns. The Neighborhood Association also expressed concern about what uses would be possible under the SU1 for Bed and Breakfast zone, staff has addressed this in the report in the zoning section. Staff has received no comments from adjacent property owners.

### **CONCLUSIONS**

This is a two part request for a sector development plan zone map amendment and a site development plan for building permit for Lot 6, Block 68 of the Terrace Addition, containing approx. 0.16 acres (the "subject site"). The applicant proposes to change the subject site's zoning from SU-2 for DR (Diverse Residential) to SU-2 for SU-1 for Bed and Breakfast.

The request does not conflict with any goals or policies in the Comprehensive Plan, or the University Neighborhoods SDP. The request supports Comprehensive Plan Policies II.B.5a, 5d, 5o, 5p, II.B.6b, II.D.6b and Goal II.C.5. The request supports University Neighborhoods SDP Goal 1,2 and 6. The applicant has addressed Resolution 138-1992. The property is closer than 500 feet from the next Bed and Breakfast, by 20 feet, and the applicant has justified why being 480 feet away is acceptable. The applicant has justified the request through changed neighborhood conditions and that the request will be more advantageous to the community. The request will create a justified spot zone as it supports goals and policies in the Comprehensive Plan and the University Neighborhoods SDP.

The proposed zoning would preserve the single-family dwelling unit and (to an extent) single-family use. For a more intensive use, such as apartments, a subsequent zone change would be required. The current zoning allows for apartments and townhouses. The requested SU1 zoning requires a site development plan and would provide site plan control of the property. Under the current zoning there is no landscaping requirement and it is based on the applicant's finances and taste. A site development plan would ensure that the property is landscaped and maintained. The Site Development Plan for Building Permit is for an existing building. The applicant has provided 3 parking spaces.

Staff has received comments from the neighborhood and no comments from adjacent property owners.

Staff is recommending approval of both the Sector Development Plan Zone Map Amendment and the Site Development Plan for Building Permit.



***FINDINGS - CASE NO.06EPC 01090, September 21, 2006***

1. This is a request for approval of a Sector Development Plan Zone map Amendment from SU2 DR to SU2 for SU1 for Bed and Breakfast for Lot 6, Block 68, Terrace Addition for approximately 0.16 acres.
2. The subject site is located on the southeast corner of Lead Avenue SE and University Boulevard SE. The subject site contains one single story house. The house will remain as it is and will not be modified.
3. The current SU2/DR zoning dates back to the establishment of the University Neighborhoods Sector Development Plan in 1986.
4. The subject site is located within the Central Urban Area of the Albuquerque/ Bernalillo Comprehensive Plan. It is also located within the University Neighborhoods Sector Development Plan. The request does not conflict with any goals or policies in the Comprehensive Plan or the University neighborhood SDP.
5. The request supports Policy II.B.5a of Comprehensive Plan because it will increase the range of land uses in the area without losing the current residential use.
6. The request supports Policy II.B.5d of the Comprehensive Plan because even though the request would not require any new construction, it would mean a new use for the existing building- that of Bed and Breakfast. The subject site would also remain a single family residence. If a property is a Bed and Breakfast it is in the best (financial) interest of the property owner to maintain the property. Therefore this will encourage the upkeep and maintenance of the property.
7. The request supports Policy II.B.5o of the Comprehensive Plan because it would be in the interest of property owner to maintain the property. This would be a step toward the rehabilitation of this older neighborhood. Encouraging small scale business ventures that promote the rehabilitation of existing housing stock is one way to strengthen a neighborhood.
8. The request supports Policy II.B.5p of the Comprehensive Plan because it is cost effective for a property owner to be able increase their income while improving the physical appearance of their property. The University Neighborhoods have a large number of properties that are not well maintained due to the large number of rental properties.

9. The request supports Policy II.B.6b of the Comprehensive Plan because UNM and CNMCC are two of the city's most important educational and arts facilities. The location of the request close to both of these facilities means that a possible market for a Bed and Breakfast establishment would be visiting academics/ professors and parents or families of students. This could forge a more personal link between the neighborhood and the University and Community College than an impersonal motel or hotel.
10. The request supports Policy II.D.6b of the Comprehensive Plan because Policy II.D.6b encourages local business enterprises and a bed and breakfast is a local business enterprise.
11. The request supports Goal II.C.5 of the Comprehensive Plan because the Bed and Breakfast will encourage the maintenance of and provide money for the maintenance of the subject site. The subject site is identified by the University Neighborhood Sector Development Plan as having neighborhood historic interest (p. 49, Map 6).
12. The request supports Goal 1 of the University Neighborhoods SDP because a well maintained residential property is an improvement on the visual quality of life for the area. The site plan control that accompanies a SU1 zone means that Zoning Enforcement have more areas of control than an average residential property.
13. The request supports Goal 2 of the University Neighborhoods SDP because it will encourage the preservation and maintenance of this property. The sector plan designates the subject site as of neighborhood historical interest.
14. The request supports Goal 6 of the University Neighborhoods SDP because UNM and CNMCC are Albuquerque's most well known educational institutions and the request is located within walking distance of both campuses. A potential market for this Bed and Breakfast would be parents of students and visiting professors or academics doing research, who would experience a more personal, and hopefully positive stay. It would also encourage a more pedestrian experience as both campuses are within walking distance of the subject site.
15. The applicant has addressed the policies for a Bed and Breakfast establishment per *Resolution 138-1992*. The request is 480 linear feet from the next Bed and Breakfast Establishment, however the applicant has adequately met the intent of all applicable policies.
16. The request is justified per *Resolution 270-1980* because the request is more advantageous to the community as articulated in the Comprehensive Plan and University Neighborhood SDP (Section 1.D).

17. The request would create a justified “spot zone” as it furthers goals and policies in the Comprehensive Plan and the University Neighborhoods SDP (R270-1980, Section 1.I).
18. The Silver Hills Neighborhood Association was notified of the request and facilitated meeting was recommended. A facilitated meeting was held on August 24<sup>th</sup> 2006. Staff has received comments from the neighborhood and no comments from adjacent property owners. There is no known opposition to the request.

***RECOMMENDATION - CASE NO.06EPC 01090, September 21, 2006***

**APPROVAL of 06EPC 01090, a Sector Development Plan Zone Map Amendment from SU2/DR to SU2 for SU1 for Bed and Breakfast, for Lot 6, Block 68, Terrace Additions, based on the preceding Findings.**

***CONDITIONS OF APPROVAL - CASE NO.06EPC 01090, September 21, 2006***

1. The accompanying site development plan for building permit shall be signed off by the DRB.
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***FINDINGS - CASE NO.06EPC 01223, September 21, 2006***

1. This is a request for approval of a Site Development Plan for Building Permit for Lot 6, Block 68, Terrace Addition for approximately 0.16 acres.
2. The subject site is located on the southeast corner of Lead Avenue SE and University Boulevard SE. The subject site contains one single story house. The house will remain as it is and will not be modified.
3. The existing building is 980 square feet. The building was built sometime in the 1920s/930s. It is an example of a single story Southwest vernacular house. The building is in good condition and there are no changes to the structure required.
4. This request accompanies a sector development plan zone map amendment from SU2/DR to SU2 for SU1 for Bed and Breakfast.

5. The request does not conflict with any goals or policies in the Albuquerque/ Bernalillo Comprehensive Plan or in the University Neighborhoods Sector Development Plan. The request supports Comprehensive Plan Policies II.B.5a, 5d, 5o, 5p, II.B.6b, II.D.6b and Goal II.C.5. The request supports University Neighborhoods SDP Goal 1,2 and 6.
6. This site is already developed; therefore the site plan reflects what is already built, plus some improvements.
7. Staff has received comments regarding the request from the Silver Hills neighborhood association. Staff has received no comments from adjacent property owners. There is no known opposition to this request.

***RECOMMENDATION - CASE NO.06EPC 01223, September 21, 2006***

**APPROVAL of 06EPC 01223, a Site Development Plan for Building Permit, for Lot 6, Block 68, Terrace Additions, based on the preceding Findings and subject to the following Conditions of Approval.**

***CONDITIONS OF APPROVAL - CASE NO.06EPC 01223, September 21, 2006***

1. The EPC delegates final sign-off authority of this site development plan to the Development Review Board (DRB). The DRB is responsible for ensuring that all EPC Conditions have been satisfied and that other applicable City requirements have been met. A letter shall accompany the submittal, specifying all modifications that have been made to the site plan since the EPC hearing, including how the site plan has been modified to meet each of the EPC conditions. Unauthorized changes to this site plan, including before or after DRB final sign-off, may result in forfeiture of approvals.
2. Prior to application submittal to the DRB, the applicant shall meet with the staff planner to ensure that all conditions of approval are met.

**3. CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:**

Conditions of approval for the proposed Zone Map Amendment and Site Development Plan for Building Permit shall include:



- a. Provide and label existing driveway locations on site plan. Proposed driveways, if any, will require a revised site plan prior to EPC and will be subject to further review and comment.
  - b. Fence, adjacent to gravel parking area, to run parallel to University Boulevard (i.e. not staggered) to accommodate parking.
  - c. Provide and label all proposed parking spaces. Parking spaces within gravel parking area to be side-by-side (spaces to be 8.5'x20').
  - d. Access to gravel parking area is from existing alley (enter) and University Boulevard (exit). One way signing may be required per Traffic Engineer.
  - e. Per site plan, alley is 14' wide. The City standard is 20'. Therefore, applicant is required to make a 3' dedication adjacent to their property to accommodate half of the additional 6' necessary to create an ultimate 20' alley section.
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4. Any future landscaping shall use low water use, drought tolerant plants. All landscaping areas will be landscaped at a minimum of 75% live ground cover.
  5. The existing curb cuts on Lead Avenue and University Boulevard shall be labeled.
  6. A note shall be added to the site plan that reads: There shall be no parking at any time in the public right of way (the public right of way includes the sidewalk and planting strip).
  7. The planting strip along Lead Avenue shall be identified.
  8. A note shall be added to the site plan that reads: The driveway from Lead Avenue shall be completed before a certificate of occupancy is issued.
  9. The landscaping note shall read : The landscaping will be installed immediately with appropriate consideration for planting and growing seasons.
  10. The landscaping areas shall be clarified.
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***Petra A Morris  
Associate Planner***

cc: A. Ana Anaya, 1800 Lead SE, Albuquerque, NM 87106  
Bill Cobb, Silver Hill, 1701 Silver Ave. SE, Albuquerque, NM 87106  
Gordo Reisser, Silver Hill, 1515 Silver SE, Albuquerque, NM 87106

***Attachments***

- Resolution 270 1980
- Resolution 138-1992
- Facilitated Meeting report, August 28, 2006, Kathleen Oweegon

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## ***CITY OF ALBUQUERQUE AGENCY COMMENTS***

### ***PLANNING DEPARTMENT***

#### **Zoning Code Services**

Reviewed, no comment.

#### **Office of Neighborhood Coordination**

Silver Hill NA ®

8/7/06 Recommended for facilitation-siw

8/11/06 Assigned to Kathleen Oweegon-siw

### ***PUBLIC WORKS DEPARTMENT***

#### **Consolidated Comments for EPC Agenda of September 21, 2006**

**06EPC – 01090 (K-15)**

Lead / University Area [1 acre]

TIS - N

**#1005043**

**06EPC – 01223**

#### **Transportation Development (City Engineer/Planning Department):**

- Provide and label existing driveway locations on site plan. Proposed driveways, if any, will require a revised site plan prior to EPC and will be subject to further review and comment.
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#### **Hydrology Development (City Engineer/Planning Department):**

- An approved conceptual grading and drainage plan may be required for site plan sign-off by the City Engineer.

#### **Transportation Planning (Department of Municipal Development):**

- Reviewed, and no comments regarding on-street bikeways, off-street trails or roadway system facilities.

#### **Traffic Engineering Operations (Department of Municipal Development):**

- No comments received.

**Street Maintenance (Department of Municipal Development):**

- No comments received.

**Utility Development (Water Authority):**

- No comments received.

**Water Resources, Water Utilities and Wastewater Utilities (Water Authority):**

- No comments received.

**New Mexico Department of Transportation (NMDOT):**

- No comments received.

**RECOMMENDED CONDITIONS FROM CITY ENGINEER, MUNICIPAL DEVELOPMENT, WATER AUTHORITY and NMDOT:**

Conditions of approval for the proposed Zone Map Amendment and Site Development Plan for Building Permit shall include:

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**ENVIRONMENTAL HEALTH DEPARTMENT**

**Air Quality Division**

**Environmental Services Division**

**City Forrester**

**PARKS AND RECREATION**

**Planning and Design**

**Open Space Division**

***POLICE DEPARTMENT/Planning***

***SOLID WASTE MANAGEMENT DEPARTMENT***

***Refuse Division***

No adverse comments.

***FIRE DEPARTMENT/Planning***

***TRANSIT DEPARTMENT***

The #97 Zuni passes the site westbound on Lead (eastbound route is on Coal), and the #16/18 Broadway-University-Gibson passes it on University. The #66 Central and #766 Rapid Ride are within walking distance of the site (¼ mile) on Central, and the #50 Airport-Downtown route is slightly over ¼ mile away on Yale.
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None. The #97 and #16/18 have stops within about 1 block of the site.
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N/A
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N/A
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The Comprehensive Plan identifies University as an Enhanced Transit Corridor, and the City's Modern Streetcar project is considering University as a possible streetcar route to the airport.
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## ***COMMENTS FROM OTHER AGENCIES***

***BERNALILLO COUNTY***

***ALBUQUERQUE METROPOLITAN ARROYO FLOOD CONTROL AUTHORITY***

Reviewed, no comment.

***ALBUQUERQUE PUBLIC SCHOOLS***

The request for a zone change to add SU-1 for Bed & Breakfast for the property located on Lead Ave between University Blvd and Mesa will have no adverse impacts to the APS district.

***MID-REGION COUNCIL OF GOVERNMENTS***

No comment.

***MIDDLE RIO GRANDE CONSERVANCY DISTRICT***

***PUBLIC SERVICE COMPANY OF NEW MEXICO***

No comment based on the information provided to date. It is the applicant's obligation to determine if utility easements cross the property and to abide by any conditions or terms of those easements.

